

Board of Selectmen's Meeting Minutes

June 17, 2010

Harpswell Town Office

Approved on July 1, 2010

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At 5:30 p.m. the Board met with staff and Planning Board members to prioritize ordinance amendments for the 2011 Town Meeting.

Selectmen Present: James S. Henderson, Mark E. Wallace and Elinor Multer

Staff Present: Terri Sawyer, Deputy Town Administrator; and Marguerite Kelly, Treasurer

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:45 PM.

The meeting was videotaped and broadcast live on Harpswell Community Television.

1. Adoption of the Agenda: Chairman Henderson moved, seconded by Selectman Multer to adopt the agenda as printed; motion passed 3-0.

2. Public Comment: Chairman Henderson reminded the public that comments are welcome on items not on the agenda but that defamatory comments about individuals or complaints about Town staff members are not permissible as such complaints can be filed with the Board separately. Comments regarding policy or board members are permitted and the comment period is designed for about 5 minutes. Greater than 5 minutes one should request to be placed on the agenda. Robert McIntyre stated he regrets that the Town is facing the school closure issue again and that he believes the process was improper. Mr. McIntyre stated the last school board meeting was disorderly but that the members shouldn't be surprised when they are not transparent. Selectman Multer opposed the comments as they are defamatory and shouldn't be allowed. Mr. McIntyre encouraged the Board to take an active roll in this process and hold a working meeting. Debora Levensailor agreed that a workshop with the public and school board members was necessary. Dee Carrier, school board member, stated she has lived in Harpswell for 39 years and has volunteered for many committees, including 18 years as a member of the School Board. Ms. Carrier stated the last meeting was an eye opener and while someone has a right to disagree, those that do should respect another's opinion. While the Town voted to keep West Harpswell School open for 2010-2011, the law requires a yearly review of significant changes in the criteria of closing. Ms. Carrier stated she didn't deserve the hatefulness that was exhibited at the last school board meeting and that she no longer desired to expose herself to it. Ms. Carrier resigned from the Planning Board effective tonight. Joanne Rogers, school board member, corrected some inaccuracies stated in an email from a Town resident. Ms. Rogers stated that what the Board of Selectmen hears from some members of the public may be misleading and not true. David Johnson, school board member, addressed inaccuracies in the resident's email as well. Mr. Johnson stated that when someone takes the oath to be a school board member, you swear to support the district and he read two pages from the membership book each person receives. The information states that a member does not represent a town but represents the district and must do what is best for all children. Rick Daniels stated the Selectmen and taxpayers need timely information and that taxpayer dollars should not be left in the hands of a district that doesn't specifically look out for Harpswell. Mr. Daniels petitioned the Board to create an education committee to seek answers and obtain information regarding school closures, apply for grants for a central school and make suggestions regarding potential tax breaks for new families moving to Town with children. Karen O'Connell thanked the school board members for their hours of hard work. Ms. O'Connell acknowledged the meeting got loud but parents are in protective mode.

3. Town Administrator's Report: Deputy Administrator Terri Sawyer reported on a meeting with the Pipeline Advisory Committee, representatives from the Navy, Maine Department of Environmental Protection and Tetratex this past Tuesday. The Navy is developing a work plan to determine if there was any environmental impact to properties and will be sending letters to the property owners informing them that additional soil tests will be taken. There will be another meeting for the Navy to brief the Town and Committee once the work plan

has been approved and sent to DEP. Deputy Administrator Sawyer announced that on July 4 from Noon-3:00 p.m., there will be a celebration at the Giant's Stairs commemorating the 100th year anniversary of the Town's ownership of the property. Town Meeting accepted the property from Captain William Sinnett and his wife, Joanna, on March 7, 1910. Deputy Administrator Sawyer informed the public that Town volunteers are installing bike racks on many Town properties. Deputy Administrator Sawyer stated that the Town's website now allows for users to subscribe to Town information. Subscribers will receive calendars, bulletins, and Selectmen information automatically the day it is posted on the website.

4. Selectmen's Announcements: Selectman Multer expressed concern that the Board may be receiving material distributed to the Board that may contain statements that otherwise would not be accepted during the spoken public comment period. Selectman Multer stated she has asked staff to check whether the Board has to accept the material or if it can be returned. Chairman Henderson disagreed and stated he would accept whatever is provided and that not accepting could be difficult. Chairman Henderson clarified that he spoke at the last School Board meeting as an elected member of the Select Board but not for the whole Board. Chairman Henderson announced that the Harpswell Conservation Commission received the Citizen Planner of the Year award from the Maine Association of Planners for all its hard work on the Open Space Plan and for the efforts with "green methods" and many other great programs that it has implemented.

5. Consent Agenda: 1) Approval of the Minutes; 2) Ballot for Legislative Policy Committee; 3) Contract with Bowdoin College for Summer Swim Program: Chairman Henderson moved, seconded by Selectman Wallace to accept the consent agenda; motion passed 3-0.

6. Consider Supplemental Tax for Map 79, Lot 31: Debbie Turner, Assessing Agent, explained that a new owner bought 43 acres on Birch Island and withdrew one acre from tree growth to build. Based on the tree growth law, a penalty was calculated and Ms. Turner recommended the Board approve the supplemental tax to map 79, lot 31 for \$14,697.40. Selectman Multer moved, seconded by Chairman Henderson to approve the supplement; motion passed 3-0.

7. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed the monthly report for May (attached). Ms. Kelly reported there were 81 liens filed for the unpaid 09 taxes and that there are 36 liens remaining from the 08 taxes that are due to foreclose. Ms. Kelly stated the Town's fee schedule from its credit card processing agent will change effective 7/1 to a 2 ½% fee on all transactions. The rapid renewal and boat registration contracts are being submitted to the Town's agent as well, which will begin that process.

8. Cedar Beach

- **Historic Research Process:** Chairman Henderson stated the purpose of this agenda item is to provide an update on the Town's research and he reviewed his handout regarding the context of the issue, the policy the Board is following, the approaches and issues to consider. Joan Lester, resident on Cedar Beach Road, noted that between renting and then purchasing the house on Cedar Beach, she has been there since 1965. Ms. Lester stated that no one in the area has ever prohibited access and use of the beach and questioned why fix what isn't broken. Chairman Henderson responded that perhaps access could be blocked in the future and the Town wants to be prepared. Ms. Lester emphasized that while Cedar Beach Road has been chained in the past, it was to only stop vehicle traffic but never pedestrian. The road is too narrow for vehicular traffic and too dangerous for the children in the area and the pedestrian beach goes. Selectman Multer and Chairman Henderson explained the Board couldn't discuss certain details due to executive session confidentiality.
- **Schedule Public Meeting:** The Board scheduled a meeting for July 14 at 5:00 at the Old Orr's Island Schoolhouse as a public meeting to further discuss Cedar Beach.

9. Consider Vendor for Pumper Truck: Chairman Henderson stated the Town received two bids in response to the request for proposal for a compressed air foam system (CAFS) pumper and Harpswell Neck Fire and Rescue and members of the Emergency Vehicles Committee recommends proceeding with Ferrara. Chairman Henderson moved, seconded by Selectman Wallace to accept the bid from Ferrara Fire Apparatus Incorporated of Holden, Louisiana at a cost of \$362,335 and that staff be directed to draw up a contract with Ferrara for the Board's consideration at its next meeting; motion passed 3-0.

10. Consider Orr's Island Bridge Long-Term Use Policy: Deputy Administrator Sawyer reported that committees that provided input for the policy were sent the draft and the one concern related to the last line that mentions the Devil's Back Trail; she suggested removing the line. Chairman Henderson moved, seconded by Selectman Wallace to adopt the policy with the change of one word from shall to will and with the deletion of the last line. Selectman Multer questioned why make it a policy when the document refers to what will be done in the future and suggested changing it from a policy to a 'sense of the Board'. Selectman Multer moved to accept the Board's sense regarding the future use of the Orr's Island Bridge property; motion passed 3-0.

11. Acceptance of Two Safety Enhancement Grants From Maine Municipal: Deputy Administrator Sawyer explained through the Town's worker's compensation insurance, the Town and all three Fire & Rescue departments can apply for safety enhancement grants. The Town has been awarded one grant for the Recycling Center for a safety cabinet and one for the Harpswell Neck Fire & Rescue (HNFR) for gas detectors. Chairman Henderson moved, seconded by Selectman Multer to accept \$506.43 for the safety cabinet; motion passed 2-0 (Selectman Wallace abstained). Chairman Henderson moved, seconded by Selectman Wallace to accept \$493.11 for HNFR; motion passed 3-0.

12. Open Fork Lift Bids: The following bids were opened: New England Industrial Truck \$26,350 (less \$500 trade) Mitsubishi; WD Mathews Machinery \$19,643 (less \$3,200 trade and less \$500 rotor trade) Doosan; WD Mathews Machinery \$20,912 (less \$3,200 trade and less \$500 rotor trade) Toyota. The bids were referred to the Recycling Center Manager for review and recommendation.

13. Change in Road Name Request: Chairman Henderson stated the Town has a policy to not change names of roads unless there is a public safety concern. Chairman Henderson moved, seconded by Selectman Multer to deny the request to change the name of Waters Edge Lane; motion passed 3-0.

14. Consider Response to Charter Environmental: Chairman Henderson explained that Charter Environmental was using a portion of Mitchell Field as a contractor laydown area for the pipeline removal project and asked if the Town wanted Charter to leave the gravel parking in place. The Town does have an agreement with Charter for use of the area that includes a provision that the area must be returned to its original condition. The Mitchell Field committee recommends leaving the gravel. Chairman Henderson moved, seconded by Selectman Wallace to waive the agreement requirement and allow the gravel to remain; motion passed 3-0.

15. Issue Request for Proposals for Town Roadside Mowing: Deputy Administrator Sawyer stated the Town did not do roadside mowing last year and that it appears necessary this year. Selectman Multer questioned the 30-60 day timeline in the request for proposal; Deputy Administrator Sawyer responded that the 30 – 60 time frame will be an approximate midway point in the growing season. Chairman Henderson asked staff to find out if the State uses herbicides on the State roads. Chairman Henderson moved, seconded by Selectman Multer to issue the request for proposal as proposed; motion passed 3-0.

16. Committee Appointments: The Board discussed that the Communications Advisory Committee is well into negotiations for the new franchise agreement and once finalized, the Committee may not continue. Therefore the Board decided not to make a new appointment to that committee at this time. Chairman

Henderson moved, seconded by Selectman Wallace to appoint Bill Ewing to the Affordable Housing Committee; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to appoint Bill Ewing to the Solid Waste Committee; motion passed 2-0 (Selectman Wallace abstained).

17. Old Business: None

18. Other Business: None

19. Authorization of the Warrant: Chairman Henderson moved, seconded by Selectman Multer to authorize warrant #39 in the amount of \$730,083.59; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to authorize warrant #38 in the amount of \$20,118.43; motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #25 in the amount of \$16,757.37 was noted for the record.

The Board briefly discussed administrative matters: the Board asked for more information on the possible change in voting districts to include only Mountain Road (and the roads off Mt. Rd.) voters; the Board agreed to schedule a meeting with FEMA representatives after the new maps have been issued; an executive session was scheduled for Monday 6/21 at 8:00 a.m. to review what information can be conveyed regarding Cedar Beach; the Board was reminded of other upcoming meetings; a holding tank application was signed; a purchase order for the household hazardous waste day was signed; the Board agreed to sole source with RA Webber & Sons for the installation of a dry hydrant and signed the purchase order; and the Board asked that a letter be sent to other potential companies for the installation of hydrants asking if they would be interested in being on a request for proposals list in the future.

20. Adjournment: The meeting adjourned by unanimous vote at 9:00 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Treasurer's Report

[Attachments are available at the Town Clerk's Office or by email at harpswell@gwi.net]